

**A RESOLUTION GRANTING AN EASEMENT TO 27J SCHOOL DISTRICT FOR CONSTRUCTION, OPERATION, MAINTENANCE, REPLACEMENT, ENLARGEMENT, RECONSTRUCTION, IMPROVEMENT, INSPECTION, REPAIRS AND REMOVAL OF FIBER OPTIC FACILITIES AND ALL FIXTURES AND DEVICES APPURTENANT THERETO ON CITY PROPERTY GENERALLY LOCATED ALONG E. 96TH AVE**

**NO. 2022-118**

WHEREAS, the 27J Schools (“27J”) has requested, and the City of Commerce City (the “City”) has agreed to grant, a non-exclusive and perpetual easement to 27J for the construction, operation, maintenance, replacement, enlargement, reconstruction, improvement, inspection, repairs and removal of fiber optic facilities and all fixtures and devices appurtenant thereto on City property identified as parcel 0172320100001; and

WHEREAS, 27J and the City have set forth terms and conditions of that easement and memorialized the same in the Easement Agreement, attached hereto and incorporated herein, and including Exhibit A, Exhibit B, and Exhibit C providing legal descriptions of the property subject to the Easement Agreement; and

WHEREAS, pursuant to Section 2-4201 of the Commerce City Revised Municipal Code, as authorized by City Charter, any easement to use real property for a term longer than twelve months where such easement is not revocable at will requires approval of the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this resolution are incorporated as findings of the City Council. This resolution is found to be in the necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. The Easement Agreement is granted subject to and consistent with the terms and conditions set forth in the Easement Agreement.

SECTION 3. The Mayor and the City Clerk are authorized and directed to sign and attest the Easement Agreement on behalf of the City of Commerce City,

RESOLVED AND PASSED THIS 19TH DAY OF DECEMBER 2022.

CITY OF COMMERCE CITY, COLORADO

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Benjamin A. Huseman, Mayor

ATTEST

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Dylan A. Gibson, City Clerk